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## NEWSLETTER

THIS NEWSLETTER AIMS TO  
PRESENT THE RECENT  
LEGISLATIVE CHANGES THAT  
MAY IMPACT YOUR BUSINESS.

THIS PUBLICATION DOES NOT  
CONTAIN LEGAL ADVICE AND /  
OR FISCAL, SOLELY GENERAL  
INFORMATION. WE  
RECOMMEND REQUESTING  
PROFESSIONAL LEGAL  
ADVICE PRIOR TO  
IMPLEMENTING ANY DECISION  
BASED ON THIS NEWSLETTER.

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**JANUARY 2019**

## **THE LAW NO. 247/2018 FOR THE MODIFICATION AND COMPLETION OF CERTAIN NORMATIVE ACTS CONCERNING THE REGIME OF THE FOREIGNERS IN ROMANIA**

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On Wednesday, the 7<sup>th</sup> of November 2018, the Romanian Parliament adopted the Law no. 247/2018 for the modification and completion of certain normative acts concerning the regime of the foreigners in Romania, published in the Official Gazette, no. 941/07.11.2018.

The Law no. 247/2018 has like principal object of regulation to ensure the transposition of the Directive (EU) 2016/801/EC of the European Parliament and the Council regarding the conditions of entry and residence of nationals of third countries for research, studies, training, volunteering, services and programs for the exchange of students or educational projects and employment *au pair*.

According to the Directive 2016/801 (EU): "the pair worker" means a third-country national who is admitted to the territory of a Member State to be temporarily received by a family in order to improve his or her linguistic skills and knowledge of the Member State concerned in exchange for light housework and taking care of children.

The law no. 247/2018 is changing and completing the Government Emergency Ordinance no.194/2002 regarding the foreigners' regime in Romania and the Government Emergency Ordinance no. 25/2014 regarding employment and the deployment of foreigners on the territory of Romania.

The most important amendments are:

- The reference salary will be at the level of the minimum gross salary in the country, respectively 2.080 RON monthly;
- For framing and extend the right to work for highly qualified workers there will be necessary only 2 gross average salaries instead of 4 as provided by the previous legislation;
- The procedure for obtaining the certificate of employment for permanent workers is simplified by eliminating the procedure for obtaining the certificate of recognition of studies from the Ministry of Education;

- There are introduced specific rules governing the entry and residence for the conduct of scientific research activity;

## **THE GOVERNMENT EMERGENCY ORDINANCE NO. 96/9.11.2018 REGARDING THE PROROGATION OF TERMS, AS WELL AS FOR THE AMENDMENT AND COMPLETION OF SOME NORMATIVE ACTS**

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The Government Emergency Ordinance no. 96/9.11.2018 regarding the prorogation of terms, as well as for the amendment and completion of some normative acts was published in the Official Journal of Romania no. 963/09.11.2018 on Friday, 19 November 2018.

The Government Emergency Ordinance no. 96/9.11.2018 brings some amendments to Law no. 53/2003 – Labor Code, as follows:

- the female employee can opt in writing, within 60 calendar days prior to the fulfillment of the standard age conditions and minimum contributory period for retirement, for carrying on the execution of the individual employment agreement until the age of 65 years – the right of the female employees cannot be subject to any restraints or limitations by the employer;
- the express provision that an increase of the minimum gross base salary established at national level can be implemented by Government decision, by reference to the criteria of level of study and length-in-service. On the other hand, all rights and obligations calculated as per the law by reference to the minimum gross base salary shall be established by reference to the amount of the salary - the standard amount, and not the one established by reference to the abovementioned criteria.

## **THE GOVERNMENT EMERGENCY ORDINANCE NO. 114/28.12. 2018 REGARDING THE ESTABLISHMENT OF CERTAIN MEASURES IN THE FIELD OF PUBLIC INVESTMENTS AND IMPLEMENTATION OF SOME FISCAL-BUDGETARY MEASURES, THE MODIFICATION AND COMPLETION OF SOME NORMATIVE ACTS AND THE EXTENSION OF CERTAIN DEADLINES**

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The Government Emergency Ordinance no. 114/28.12. 2018 regarding the establishment of some measures in the field of public investments and implementation of some fiscal - budgetary measures, the modification and completion of some normative acts and the extension of certain deadlines was published in the Official Gazette of Romania no. 1116/29.12.2018.

The present Ordinance brings numerous changes, the most important ones being the following:

- the establishment of the Development and Investment Fund, without legal personality, managed by the National Commission for Strategy and Prognosis (CNSP). The fund is up to € 10 billion, funded by state Treasury loans, when it has a surplus. "The Fund finances investment projects of the territorial administrative units in the fields of health, education, water-sewerage, electricity and gas networks, transport, sanitation;
- the authorized gambling organizers must pay starting from 1 January 2019, an annual fee representing 2% of the total participation fees collected in the previous year. The fee must be declared and paid until the 25th of February 2019.
- the category of individuals exempted from salary income tax is extended to employees who work in the construction sector.
- the economic operators who must obtain a licence from ANRE and do business in the field of electricity, thermic energy and thermic energy in cogeneration with electricity production and transportation must pay a 2% contribution of the turnover under the license granted. This contribution will be paid to ANRE.
- Banks pay a fee on financial assets if the ROBOR quarterly average is higher than 2%, which is a benchmark.

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